

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CARL BENTLY MARION II,  
  
Plaintiff,  
  
v.  
  
EDGAR OREGEL, et al.,  
  
Defendants.

Case No.: 1:24-cv-00872-KES-SKO

**ORDER TO SHOW CAUSE IN WRITING  
WHY SANCTIONS SHOULD NOT BE  
IMPOSED FOR PLAINTIFF'S FAILURE  
TO FILE STATUS UPDATE OR,  
ALTERNATIVELY, TO WITHDRAW THE  
MOTION FOR DEFAULT**

**SEVEN (7) DAY DEADLINE**

Plaintiff Carl Bently Marion II is represented by counsel in this civil rights action pursuant to 42 U.S.C. section 1983.

On December 16, 2025, the Court issued its Order Approving Substitution of Counsel; Directing the Clerk to Terminate Attorney Hayden; Discharging Attorney Hayden's Obligation to Serve Plaintiff; Requiring Attorney Hanagan to Serve a Copy of This Order on Plaintiff; Requiring a Status Update Regarding the Motion for Default; and Extending Plaintiff's Time to Serve Defendant Under Rule 4(m). (*See* Doc. 20.) The Court directed "Plaintiff to, within seven (7) days, either (1) file a status update indicating that he wishes to proceed with the motion for default; or (2) withdraw the motion for default."<sup>1</sup> (*Id.* at 2.)

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<sup>1</sup> "Plaintiff's Motion for Default Judgment" was filed November 25, 2025. (*See* Doc. 17.)

1 Although more than 7 days have passed, Plaintiff has failed to file a status update or to  
2 withdraw the motion for default.

3 Accordingly, **IT IS HEREBY ORDERED** that:

- 4 1. Plaintiff **SHALL** show cause in writing, **within 7 days** of the date of this order,<sup>2</sup> why  
5 sanctions should not be imposed for his failure to comply with the Court's order  
6 issued December 16, 2025; *or*
- 7 2. **Alternatively**, within that same time, Plaintiff may file the required status update  
8 and/or withdraw the motion for default.

9 **WARNING:** Plaintiff's failure to comply with this Order to Show Cause and the  
10 Court's December 16, 2025, order may result in a recommendation that this action be  
11 dismissed, without prejudice, for Plaintiff's failure to obey court orders.

12 IT IS SO ORDERED.

13 Dated: **December 29, 2025**

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE

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<sup>2</sup> The Court notes it has previously issued an Order to Show Cause for Plaintiff's failure to obey Court orders. (*See* Doc. 10.)